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290742Z Apr 04

UNCLAS SECTION 01 OF 02 KATHMANDU 000817

SIPDIS

SENSITIVE

STATE FOR SA/INS AND DRL
LONDON FOR POL - GURNEY
NSC FOR MILLARD

E.O. 12958: N/A

TAGS: PHUM PGOV MOPS NP

SUBJECT: NEPAL: ARMY HUMAN RIGHTS CELL AGREES TO REOPEN
CONTROVERSIAL CASE

REF: A. KATHMANDU 500

1B. KATHMANDU 591

SUMMARY

1. (SBU) Summary: In an April 15 letter signed by the Chief of Army Staff, the Royal Nepal Army's (RNA) initial response to Embassy inquiries on the alleged extrajudicial killings of two teenaged girls and the alleged abduction of a third girl (Ref A) asserted that all three were shot while trying to escape. The RNA's findings, at least as described in the letter, did not address conflicting reports, purportedly gathered from eyewitnesses and local residents by a human rights organization, raised in the Embassy's March 3 inquiry. Upon being pressed for details of the RNA inquiry and being shown photographs of the corpses, which bore wounds that may be inconsistent with the RNA's account, a representative from the RNA's human rights cell agreed to refer the case to the Judge Advocate General for further review. The RNA's initial, obviously cursory response to this troubling case reflects at best a lack of diligence and at worst a lack of seriousness in pursuing allegations of human rights abuses. End summary.

CARNAGE IN KAVRE

2. (SBU) On March 3 then-Ambassador Malinowski hand-delivered a letter to Royal Nepal Army (RNA) Chief of Army Staff (COAS) Gen. Pyar Jung Thapa asking for information on the alleged extra-judicial killings by RNA soldiers of two teenaged girls, one of whom may have been raped, in Kavre District on February 13 and the alleged detention/abduction of a 14-year-old girl, also of Kavre, on February 17 (Ref A). The letter related an account, purportedly drawn from witnesses and local residents, given to the Embassy by Advocacy Forum, a local human rights organization. The NGO had sent a representative to the site, who had returned with graphic photographs of the two girls' corpses. The photographs were not included with the letter to COAS Thapa, and the RNA likely did not know of the existence of the photographs. The girls' home villages are heavily affected by Maoist activities, the NGO representative readily acknowledged, adding that one of the two dead girls was likely affiliated in some way with the insurgents.

3. (SBU) On April 16 poloff called the RNA's human rights cell to ask about the status of the case. Later that same afternoon, the Ambassador received a letter signed by COAS Thapa and dated the previous day that enclosed the results of the RNA's inquiry. The report, signed by Chief Operation Officer Victor Rana, asserted that both girls were suspected Maoists who were shot while trying to escape. In the case of 18-year-old Reena Rasaili, who, according to her relatives' account, was held in a cowshed for five hours by RNA soldiers and possibly sexually assaulted before being shot, the report stated that "she attempted to escape despite repeated warning from the security forces. Consequently, security forces fired 2 rounds as a result of which she died 50-60 meters away from her home." With respect to the relatives' charges that her clothing had been removed when they found her body, the report replied, "Her clothes were torn when the security forces tried to apprehend her while trying to escape and no evidences of security forces beating her was found. . . the accusation that Reena Rasaili was kept in a cowshed for 5 hours and beaten is totally false." The report said that the RNA recovered one socket bomb from Reena's home and one pistol, five rounds of ammunition, a mobile phone and "Maoist documents" from the home of Subhadra Chaulagain, the second girl.

4. (SBU) With respect to 14-year-old Maina Sunwar, who, according to her father, on February 17 was taken away by RNA

troops who had come to her home looking for her mother, the report claimed that a Maoist informant had identified the adolescent girl as an "area commander" who "played a significant role to exhort (sic) money and kidnap innocent people." As the RNA soldiers were transporting Maina to Panchkhal Base Camp, according to the report, the girl suddenly jumped from the vehicle and tried to run away. "The security forces opened fire at her and she was killed instantly. The local police carried out post mortem and fulfilled all the legal procedure," the report concluded.

SOME APPARENT INCONSISTENCIES

15. (SBU) In an April 26 meeting with Colonel Narendra Aryal of the RNA's human rights cell, poloff showed several photographs of the corpses of Reena Rasaili and Subhadra Chaulagain, pointing out wounds that suggest some inconsistencies with the RNA's account. (Note: Reena Rasaili appears to have been shot in the eye. End note.) She added that, according to the account offered by Reena's relatives, her clothes were not "torn," as alleged in the report, but that her skirt and undergarments had been removed completely when her body was found. She also asked for a copy of the post mortem report on Maina Sunwar, whose parents had not been aware of her death. Col. Aryal said that he did not know how Col. Rana had reached the conclusions in his report, whom he might have interviewed in the course of his research, or if he had visited the site of the killings. He asked for copies of the photographs and said he would refer the cases to the Office of the Judge Advocate General. On April 28 the Defense Attache approached RNA Chief of General Staff Lt. Gen. Sudip Shah and asked him to review the RNA's findings. Lt. Gen. Shah agreed and stated that he would ensure the case was reviewed. Shah asked the DATT to forward directly to him the information provided by the RNA, as well as a list of follow-up questions.

COMMENT

16. (SBU) The brief lapse of time between PolOff's request about the status of the case and the COAS' reply to the Ambassador, coupled with some of the incredible assertions contained in the report, make it clear that the RNA did not carry out a full-fledged legal investigation into these events. The RNA's obviously cursory response reflects at best a lack of diligence and at worst a lack of seriousness regarding its human rights obligations. The Embassy and DATT will continue to press for further details and encourage a full investigation.
BOGUE